

**THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO**

**EMERGENCY RULES ESTABLISHING PROCEDURES
RELATING TO A REQUEST FOR PARTICIPATION OF THE COMMISSION
IN THE NEGOTIATION AND MEDIATION
OF INTERCONNECTION AGREEMENTS WITHIN COLORADO
BETWEEN TELECOMMUNICATIONS CARRIERS**

4 CCR 723-45

BASIS, PURPOSE, AND STATUTORY AUTHORITY

These rules are issued under the authority of §§ 40-2-108 and 40-15-404 C.R.S., and are consistent with § 40-15-503 C.R.S., 47 U.S.C. 251 and 47 U.S.C. 252(a)(2). The rules establish the process to be used and the information required by the Commission when an entity negotiating an interconnection agreement requests the Commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation. Upon completion of negotiations, the parties shall submit any agreement to the Commission for approval in accordance with the procedures established in 4 CCR 723-44.

RULE 4 CCR 723-45-1. APPLICABILITY. These rules apply to any negotiation of an interconnection agreement relating to telecommunications services in the State of Colorado in which

one party to the negotiations has requested Commission participation and/or mediation in the negotiations.

RULE 4 CCR 723-45-2. DEFINITIONS. The meaning of terms used in these rules shall be consistent with their general usage in the telecommunications industry unless specifically defined by Colorado statute or this rule. In addition to the definitions in this section, the statutory definitions apply. In the event the general usage of terms in the telecommunications industry of the definitions in this rule conflict with the statutory definitions, the statutory definitions control. As used in these rules, unless the context indicates otherwise, the following definitions apply:

723-45-2.1 Commission. The Public Utilities Commission of the state of Colorado.

723-45-2.2 Negotiated Interconnection Agreement; or Agreement. An agreement being negotiated between or among parties for the purpose of the electronic, optical or any other means of transmission of information between separate points by prearranged means.

723-45-2.3 Party(ies) to the Negotiation; or Party(ies). Any telecommunications carrier providing or desirous of providing telecommunications services in the State.

723-45-2.4 Request. A filing made by a telecommunications carrier with the Commission asking the Commission to participate in the interconnection agreement negotiations and to mediate any differences.

723-45-2.5 Telecommunications Carrier or Local exchange carrier (LEC). Any person that is engaged in the provision of telephone exchange service or exchange access. Such term does

not include a person insofar as such person is engaged in the provision of a commercial mobile service under 47 U.S.C. 332(c) except to the extent that the FCC finds that such service should be included in the definition of such term.

RULE 4 CCR 723-45-3. REQUEST PROCESS.

723-45-3.1 Pursuant to 47 U.S.C. 252(a)(2), any party negotiating an Agreement may, at any point in the negotiation, ask the Commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation.

723-45-3.2 To make a negotiation/mediation Request, a party shall file a letter with the Director of the Colorado Public Utilities Commission (COPUC) **at 1580 Logan Street, Denver, Colorado 80203.**

723-45-3.3 Information To Be Included in Request.

723-45-3.3.1 The negotiation/mediation Request shall contain, in the following order and specifically identify, the following information, either in the Request or in appropriately identified, attached exhibits:

723-45-3.3.1.1 The name, address, and telephone number of the party to the negotiation making the request;

723-45-3.3.1.2 The name, address, and telephone number(s) of the other parties to the negotiation;

723-45-3.3.1.3 The name and address of the party(ies) representative, if any, who is participating in the negotiations and to whom all inquiries should be made;

723-45-3.3.1.4 The negotiation history, established meeting times and locations;

723-45-3.3.1.5 The issues on which the requestor is seeking Commission negotiation participation and possible mediation; and

723-45-3.3.1.6 The specific skills requested from the Commission (e.g. engineer, economist, attorney, trained mediator, or a combination of the above).

RULE 4 CCR 723-45-4. NEGOTIATION/MEDIATION PROCESS.

723-45-4.1 Pursuant to 47 U.S.C. 252(a)(2), the Commission shall participate as a party to the interconnection agreement negotiations and mediate any differences arising in the course of the negotiation.

723-45-4.1.1 Upon receipt of a Request for Commission negotiation/mediation, the Commission shall assign a tracking number to the matter.

723-45-4.1.2 Response to Request. The Commission will respond to the Request within ten (10) days after receipt. The response shall identify the assigned Commission contact person and other Commission personnel as are necessary.

723-45-4.2. The Commission contact person shall promptly schedule negotiations/mediation sessions. These sessions shall continue until: a) all outstanding issues are settled; b) all parties, including Commission Staff, agree that further negotiations/mediation will not assist in the resolution of issues; or c) one of the parties to the negotiation/mediation files a petition for compulsory arbitration pursuant to 47 U.S.C. 252(b)(1).

**RULE 4 CCR 723-45-5. CONFIDENTIALITY OF INFORMATION DURING
NEGOTIATION PROCESS.** All information discussed or submitted during the negotiation and mediation process will be considered and treated as confidential by the Commission, consistent with applicable law.

RULE 4 CCR 723-45-6. All Agreements reached as the consequence of negotiations or mediation shall be submitted to the Commission for approval following the rules established in 4 CCR 723-44.

(Decision No. C96-461)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF EMERGENCY)
RULES REGULATING THE AUTHORITY)
TO OFFER LOCAL EXCHANGE)
TELECOMMUNICATIONS SERVICES.)

DOCKET NO. 96R-184T

COMMISSION DECISION ADOPTING EMERGENCY RULES

Mailed Date: April 30, 1996

Adopted Date: April 24, 1996

I. BY THE COMMISSION:

A. This matter comes before the Commission for adoption of emergency rules establishing procedures for obtaining a certificate of public convenience and necessity ("CPCN") to provide local exchange telecommunications services. The General Assembly adopted House Bill 1335 ("HB 1335"), §§ 40-15-101 *et. seq.*, in the 1995 legislative session. In that statute, the Legislature generally determined that competition in the market for basic local exchange service is in the public interest. See § 40-15-101, C.R.S. Consistent with that determination, HB 1335 directs the Commission to encourage competition in the basic local exchange market by adoption and implementation of appropriate regulatory mechanisms to replace the existing regulatory framework.

B. We have since conducted a number of rulemaking proceedings to implement HB 1335, including a proceeding to establish procedures by which new telecommunications providers may obtain CPCNs to provide local exchange service. See Docket No. 95R-555T.

In fact, in Decision No. C96-159 we adopted final rules for this purpose. However, pursuant to the provisions of § 24-4-103, C.R.S. those rules will not become effective until May 30, 1996 at the earliest.

C. For the reasons set forth in this decision, we will adopt on an emergency basis (*i.e.* without compliance with the rulemaking requirements for permanent rules set forth § 24-4-103, C.R.S.) the rules appended to this order as Attachment A. We will take this action pursuant to the provisions of § 24-4-103(6), C.R.S.

D. Generally, the purposes of the rules adopted by this order are to establish the process to be used and the information required in order for new telecommunications providers to obtain CPCNs to provide local exchange service. The rules attached to this order set forth specific requirements relating to these purposes.

E. We will adopt the attached rules as emergency rules, in accordance with the provisions of § 24-4-103(6), C.R.S. We find that immediate adoption of the rules attached to this decision is imperatively necessary to comply with state law, and compliance with the rulemaking requirements associated with permanent rules, as set forth in § 24-4-103, C.R.S., would be contrary to the public interest. We note that the Commission has already received one application for new authority to provide local exchange service. That application purports to be filed pursuant to the rules adopted in Docket No. 95R-555T, even though those rules are not yet effective. In addition, the Commission may receive other

applications for CPCNs to provide local service before the rules adopted in Docket No. 95R-555T may become effective.

F. We conclude that it is not consistent with the purposes of HB 1335 to delay action on the recently filed application for new authority (or upon other applications which may be filed before May 30, 1996) pending the effective date of the new rules on certification. Since the new rules establish the most appropriate procedures for review and consideration of applications for new local exchange authority, it is appropriate to implement the rules adopted in Docket No. 95R-555T immediately. Therefore, emergency adoption of the attached rules is appropriate. The statutory authority for adoption of these rules is set forth in §§ 40-2-108, and 40-3-102.

G. The rules attached to this order shall be effective immediately upon the mailed date of this decision. Such rules shall remain in effect until permanent rules become effective or for 210 days, whichever period is less. It is presently anticipated that the permanent rules adopted in Docket No. 95R-555T will become effective on May 30, 1996.

II. ORDER

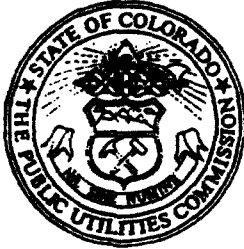
A. The Commission Orders That

1. The rules appended to this decision as Attachment A are hereby adopted as emergency rules consistent with the above discussion.

2. This Order is effective upon its Mailed Date.

B. ADOPTED IN OPEN MEETING April 24, 1996.

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT J. HIX

VINCENT MAJKOWSKI

Commissioners

COMMISSIONER CHRISTINE E. M. ALVAREZ
RESIGNED EFFECTIVE APRIL 5, 1996.

**THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO**

**RULES REGULATING THE AUTHORITY TO OFFER
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES**

4 CCR 723-35

BASIS, PURPOSE AND STATUTORY AUTHORITY.

The basis and purpose of these rules is to establish regulations regarding the process for obtaining a certificate of public convenience and necessity ("CPCN") to provide local exchange telecommunications services.

These rules are clear and simple and can be understood by persons expected to comply with them. They do not conflict with any other provision of law, and there are no duplicating or overlapping rules.

These rules are issued pursuant to §§ 40-2-108 and 40-15-503(2), C.R.S.

RULE 4 CCR 723-35-1. APPLICABILITY. These rules are applicable to all telecommunications service providers who are seeking to offer local exchange telecommunications services. These rules are not applicable to applications to offer only services identified in §§ 40-15-301(2) and 40-15-305(2), C.R.S.

RULE 4 CCR 723-35-2. DEFINITIONS. The meaning of terms used in these rules shall be consistent with their general usage

in the telecommunications industry unless specifically defined by Colorado statute or this rule. In addition to the definitions in this section, the statutory definitions apply. In the event the general usage of terms in the telecommunications industry or the definitions in this rule conflict with the statutory definitions, the statutory definitions control. As used in these rules, unless the context indicates otherwise, the following definitions apply:

723-35-2.1 Applicant. Any person filing an application with the Commission pursuant to these rules.

723-35-2.2 Application. A formal filing with the Commission which requests a certificate to provide local exchange telecommunications services, or an operating authority in a rural area served by a basic local exchange provider who only serves rural exchanges of 10,000 or fewer access lines, or both a certificate to provide local exchange telecommunications services and an operating authority.

723-35-2.3 Certificate to provide local exchange telecommunications services or certificate. Commission-granted authority to offer local exchange telecommunications services in the state of Colorado; the first of two prerequisites to obtaining a certificate of public convenience and necessity.

723-35-2.4 Commission. The Public Utilities Commission of the state of Colorado.

723-35-2.5 Controlled telecommunications service. The electronic, optical, or any other means of transmission of information between separate points by prearranged means that is subject to the jurisdiction of a governmental entity which regulates telecommunications, including federal, state, and

local jurisdictions within the United States and all jurisdictions outside the United States.

723-35-2.6 Form tariff, form price list, or price list.
A document which contains all the terms and conditions for all local exchange telecommunications products and services to be offered by the applicant.

723-35-2.7 Local calling area. Geographic area approved by the Commission as a community of interest in which customers may make calls without payment of a toll charge. The local calling area may include exchange areas in addition to the service exchange area. See Rule 2.30, Rules Regulating Telecommunications Service Providers and Telephone Utilities, 4 CCR 723-2.

723-35-2.8 Local exchange telecommunications service.
Basic local exchange service and such other services identified in § 40-15-201, C.R.S., or defined by the Commission pursuant to § 40-15-502(2), C.R.S.; regulated advanced features, premium services, and switched access as defined in § 40-15-301(2)(a), (b), and (e), C.R.S.; or any of the above singly or in combination.

723-35-2.9 Operating area. Specific geographic area in which a provider of local exchange telecommunications services is authorized by the Commission to exercise the rights and privileges granted pursuant to a certificate of public convenience and necessity.

723-35-2.10 Operating authority. Commission-granted authority to offer local exchange telecommunications services within an operating area; the second and last prerequisite to obtaining a certificate of public convenience and necessity.

723-35-2.11 Provider of local exchange telecommunications services or provider. Any person who holds a certificate of public convenience and necessity to provide local exchange telecommunications services.

RULE 4 CCR 723-35-3. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY. When the Commission, by decision, has granted to a person both a certificate to provide local exchange telecommunications services and an operating authority within a specific operating area or areas, that person has received a certificate of public convenience and necessity to provide the local exchange telecommunications services specifically identified and approved by the Commission, subject to such terms and conditions as the Commission may establish in the Commission's decision or decisions.

RULE 4 CCR 723-35-4. APPLICATION FOR CERTIFICATE TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES - CONTENTS OF APPLICATION. To obtain a certificate to provide local exchange telecommunications services, the applicant must file an application with the Commission.

723-35-4.1 Contents of application. The application shall contain, in the following order and specifically identified, the following information, either in the application or in appropriately identified, attached exhibits:

723-35-4.1.1 Applicant's name and complete address (street, city, state, and zip code), and the name(s) under which the applicant is, or shall be, providing telecommunications service in Colorado;

723-35-4.1.2 If applicant is a corporation: the state in which it is incorporated; the location of its principal office, if any, in Colorado; the names of its directors, officers, and Colorado agent for service of process; and a copy of its articles of incorporation or charter;

723-35-4.1.3 If applicant is an out-of-state corporation: a copy of the authority qualifying it to do business in Colorado;

723-35-4.1.4 If applicant is a partnership, a limited liability corporation, or any form of business organization other than a corporation: the names and addresses of all principal owners and managers and the date of creation of the business entity;

723-35-4.1.5 The name, title, address and telephone number of applicant's representative to which all inquiries should be made, including the title and telephone number for each representative responsible for responding to consumer complaint inquiries by either the public or the Commission;

723-35-4.1.6 A detailed description of applicant's affiliation, if any, with any other company and a detailed description of any Colorado certificate or operating authority, or both, held by the applicant or any person affiliated with the applicant;

723-35-4.1.7 A copy of the most recent audited balance sheet, income statement and statement of retained earnings, and,

723-35-4.1.7.1 If applicable, the most recent Securities and Exchange Commission Form 10-K and stockholder report(s) available for a period ending not earlier than twelve months before the date of the filing of the application;

723-35-4.1.7.2 If the audited balance sheet, income statement, and statement of retained earnings are for a period ending earlier than six months before the date of the filing of the application, a copy of the most recent unaudited balance sheet, income statement, and statement of retained earnings available for a period ending not earlier than six months before the date of the filing of the application;

723-35-4.1.7.3 For a newly-created company, a list of the source(s) of capital funds and the balance sheet and income statement of any affiliate providing capital funds;

723-35-4.1.8 A statement that, if a hearing is held by the Commission, applicant will present evidence to show that the applicant possesses the requisite managerial qualifications, financial resources, and technical competence to provide local exchange telecommunications services;

723-35-4.1.9 A brief history of applicant's, or any of its affiliates', local exchange telecommunications operations and the prior telecommunications service operations experience of each person identified in Rules 4.1.2, 4.1.4, and 4.1.5, as applicable;

723-35-4.1.10 A statement of the facts (not in the form of conclusory statements) relied upon by the applicant to show that a grant of a certificate to applicant is consistent with the statements of public policy contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S.;

723-35-4.1.11 A statement identifying any decision entered by any court or any regulatory body within the last five years regarding the applicant's provision of local exchange telecommunications services or other controlled telecommunications services that resulted in:

(a) assessment of civil penalties; (b) assessment of criminal penalties; (c) injunctive relief; (d) corrective action; (e) refund in excess of \$100 in any individual case or refund awarded to a class or classes of customers where the total refund is greater than or equal to \$250; (f) reparations; (g) initiation of a show cause; (h) initiation of a disciplinary action, including but not limited to, proceedings to limit or to place restrictions on any authority to operate, a certificate of public convenience and necessity, or any service offered; (i) refusal to grant authority to operate or to provide a service; (j) decertification or revocation of authority to operate or to provide a service; or (k) any combination of the foregoing. The statement shall identify the jurisdiction and provide the docket or file number for each action. Applicant shall provide a copy of any identified decision to the Commission upon request; 723-

35-4.1.11.1 If the applicant has not provided a controlled telecommunications service within the United States continuously for the five years immediately preceding the filing date of the application, but has provided a controlled telecommunications service outside the United States at any time during the five years immediately preceding the filing date of the application, the applicant shall provide the information required by Rule 4.1.11 for the controlled telecommunications service provided outside the United States. The statement shall identify the jurisdiction and provide the docket or file number for each action. Applicant shall provide a copy of any identified decision to the Commission upon request;

723-35-4.1.12 A statement describing the geographic area for which applicant seeks certification, e.g., statewide or a smaller geographic area. If certification for a specific

geographic area, rather than statewide certification, is sought, the application shall contain a description of such geographic area by metes and bounds and a map displaying the service area;

723-35-4.1.13 A statement that the applicant, or its successors, will contribute, in a manner prescribed by statute and the Commission, to the funding of the Colorado High Cost Fund;

723-35-4.1.14 A statement that the applicant will pay, in a manner prescribed by statute and the Commission, into the funding of the Commission;

723-35-4.1.15 A statement that the applicant will contribute, in a manner prescribed by statute and the Commission, to the funding of emergency telephone access;

723-35-4.1.16 A statement that the applicant will contribute, in a manner prescribed by statute and the Commission, to the funding of Colorado Disabled Telephone Users Fund;

723-35-4.1.17 A statement that, if required to do so, the applicant will contribute, in a manner and to the extent prescribed by statute and the Commission, to the funding of any other financial support mechanism created by §§ 40-15-502(4) and (5), C.R.S., and adopted by the Commission, as required by § 40-15-503(2)(b)(V) C.R.S.;

723-35-4.1.18 A statement in which the applicant identifies an accounting system to be used for regulated telecommunications services which is either (a) the Uniform System of Accounts ("USOA") or (b) Generally Accepted Accounting Principles ("GAAP"); and a statement that the applicant will use the identified system unless the Commission orders otherwise. If the applicant is directed to use GAAP, applicant shall submit

a copy of the existing chart of accounts or the proposed chart of accounts to be used;

723-35-4.1.19 A statement indicating whether the applicant will seek to draw from the Colorado High Cost Fund or from the universal service fund, and if so, a statement that the applicant will make separate, appropriate filings, as directed by the Commission;

723-35-4.1.20 A statement that the applicant agrees: (a) to answer all questions propounded by the Commission or any authorized member of its staff concerning the application, the subject matter of the application, or any information supplied in support of the application: and (b) to permit the Commission or any authorized member of its staff to inspect the applicant's books and records as part of the investigation into the application, the subject matter of the application, or any information supplied in support of the application; and

723-35-4.1.21 A statement indicating, if the application is assigned for hearing by the Commission, the town or city where the applicant prefers the hearing to be held and any alternative choices;

723-35-4.1.22 A statement that the applicant understands that the filing of the application does not, by itself, constitute authority to operate; and a statement that the applicant shall provide no service unless and until the Commission has issued a decision granting applicant a certificate of public convenience and necessity, subject to any conditions or requirements stated in such decision and order;

723-35-4.1.23 A statement that, if a certificate is granted, applicant understands that such certificate is conditional upon (a) the obtaining of operating authority; (b)

the existence of applicable effective tariffs or price lists for relevant services; and (c) compliance with applicable Commission rules and any conditions established by Commission order;

723-35-4.1.24 A statement that the applicant understands that if the contents of the application are found to be false or to contain misrepresentations, any certificate granted may be, upon Commission order, null and void;

723-35-4.1.25 An affidavit signed by an officer, a partner, an owner, or an employee, as appropriate, who is authorized to act on behalf of the applicant, stating that the contents of the application are true, accurate, and correct

723-35-4.2 Provider of last resort. If the applicant seeks to be designated as a provider of last resort, it must supplement its application by providing the information required by rules relating to universal service and the Colorado High Cost Fund.

RULE 4 CCR 723-35-5. PROCESSING OF APPLICATIONS.

723-35-5.1 The Commission will process applications in accordance with the Rules of Practice and Procedure found at 4 CCR 723-1. The authority sought to be obtained by application shall not be in effect until the Commission issues an order approving such authority, with or without hearing.

723-35-5.2 The Commission shall use the procedures set forth in 4 CCR 723-1, Rule 70, to determine the completeness of an application.

723-35-5.3 Absent unusual or extraordinary circumstances, the Commission may reject an application that does not meet the requirements of 4 CCR 723-1, Rule 70, and close the docket pertaining to that application.

RULE 4 CCR 723-35-6. NOTICE OF INTENTION TO EXERCISE OPERATING AUTHORITY - CONTENTS OF NOTICE. Prior to offering local exchange telecommunications services in any area, except areas identified in Rule 7, a provider who has already received a certificate pursuant to Rules 4 and 5 must file with the Commission a notice of intention to exercise operating authority ("notice"). If a provider has not already received a certificate pursuant to Rules 4 and 5, it may file a combined application in accordance with the provisions of Rule 10.

723-35-6.1 Contents of notice. The notice shall contain, in the following order and specifically identified, the following information, either in the notice or in appropriately identified, attached exhibits:

723-35-6.1.1 Provider's name and complete address (street, city, state, and zip code), and the name(s) under which the provider is, or will be, providing telecommunications service in Colorado;

723-35-6.1.2 A description of the operating area in metes and bounds;

723-35-6.1.3 A map of the operating area;

723-35-6.1.4 A statement which describes the operating authority sought, including the proposed effective date for the operating authority. The proposed effective date shall be no earlier than 30 days from the date on which the notice is filed. Such statement shall also include:

723-35-6.1.4.1 A form tariff or price list that conforms to the requirements of the Commission's rules governing price regulation or governing relaxed regulatory treatment, as applicable. If an application for operating authority is combined with an application for price regulation or for relaxed

regulatory treatment (see Rule 10), the provider may substitute, for a form tariff, a form price list that conforms to the requirements of the Commission's rules governing price regulation or governing relaxed regulatory treatment, as applicable;

723-35-6.1.4.2 A description of the local calling areas to be offered;

723-35-6.1.4.3 A description of the facilities and equipment that will be used to provide services, including whether service will be offered on a facilities-based basis, a resale basis, or otherwise;

723-35-6.1.5 A description of the provider's existing operations and general service and operating area(s) in Colorado and in any other jurisdiction;

723-35-6.1.6 An affirmative statement that the provider, pursuant to its tariff or price list, will not unjustly discriminate among and between consumers in the provision of local exchange telecommunications services within its operating area;

723-35-6.1.7 A statement of the names of other entities known to be providing similar services in areas contiguous to the operating area identified in the notice;

723-35-6.1.8 If the notice of intention to exercise operating authority is filed more than six months after the filing of the application for certificate under Rule 4, an update of the information required in Rule 4.1.7 and Rule 4.1.11;

723-35-6.1.9 If the provider is providing regulated telecommunication services in Colorado, a statement that the

provider is in compliance with applicable Commission rules, including quality of service rules;

723-35-6.1.10 A statement indicating, if the notice is set for hearing by the Commission, the town or city where the provider prefers the hearing to be held and any alternative choices;

723-35-6.1.11 A statement that the provider understands that the filing of the notice does not, by itself, constitute authority to operate and that the provider will not provide service unless and until all Commission-ordered requirements are satisfied;

723-35-6.1.12 A statement that if an operating authority is granted, the provider understands that such operating authority is conditional upon the existence of applicable effective tariffs or price lists for relevant services and upon compliance with statute, applicable Commission rules, and any conditions established by Commission order;

723-35-6.1.13 A statement that the provider understands that if the contents of the notice are found to be false or to contain misrepresentations, any operating authority granted may be, upon Commission order, null and void; and

723-35-6.1.14 An affidavit signed by an officer, a partner, an owner, or an employee, as appropriate, who is authorized to act on behalf of the provider, stating that the contents of the notice are true, accurate, and correct

723-35-6.2 Notice to other providers. The provider shall serve a copy of the notice on all providers of local exchange telecommunications service providing service in the proposed operating area. The notice shall be served

contemporaneously with the filing of the notice with the Commission and shall be made by first-class mail.

723-35-6.3 Notice set for hearing. During the period between the filing of the notice and its effective date, the Commission will review the submitted notice and supporting information and documentation. The Commission may issue a decision which suspends and sets for hearing any notice under the following conditions: (a) if a regulatory agency or court has found that the provider has failed to comply with any rule, regulation, settlement, or statute relating to the provisioning of controlled telecommunications service since the provider received its certificate or any existing operating authority, whichever is later; or (b) if the notice is incomplete.

723-35-6.3.1 If the notice is incomplete, the Commission or its staff will notify the provider, in writing and within ten days of the filing of the notice, of the incompleteness of, and the deficiencies in, the notice. The timeframes specified in this rule shall be suspended from the date of notification to the provider that the notice is incomplete and has deficiencies. The timeframes specified in this rule shall recommence only upon written notification to the provider by the Commission that the notice is complete and the deficiencies have been cured. If the deficiencies are not cured within 30 days of the original filing of the notice, the notice shall be rejected and the docket closed.

723-35-6.3.2 The procedural requirements of 4 CCR 723-1 and the time limits set for issuance of Commission decisions specified in § 40-6-109.5, C.R.S., shall govern hearings under this rule.

723-35-6.3.3 If the Commission sets a notice for hearing, the notice shall not become effective unless and until approved by the Commission.

723-35-6.4 Effective date of notice. Unless the Commission sets the notice for hearing or unless the notice contains deficiencies (see Rule 6.2.1), the notice shall be effective either (a) upon decision of the Commission, which decision shall be rendered no more than 45 days after the notice is filed with the Commission, or (b) 45 days after it is served and filed with the Commission, unless the notice contains an effective date later than 45 days after it is filed and served, in which event the later date shall control.

723-35-6.5 Commission decision if no hearing. If the notice is not set for hearing, the Commission shall issue a decision granting the requested operating authority for the proposed operating area.

RULE 4 CCR 723-35-7. APPLICATION FOR OPERATING AUTHORITY IN AN AREA SERVED BY A BASIC LOCAL EXCHANGE PROVIDER WHICH ONLY SERVES EXCHANGES OF 10,000 OR FEWER ACCESS LINES - CONTENTS OF APPLICATION.

Prior to offering local exchange telecommunications services in an area served by a basic local exchange provider who only serves exchanges of 10,000 or fewer access lines, an applicant must file with the Commission an application requesting operating authority.

723-35-7.1 Contents of application. The application shall contain, in the following order and specifically identified, the following information, either in the application or in appropriately identified, attached exhibits:

723-35-7.1.1 Applicant's name and complete address (street, city, state, and zip code), and the name(s) under which the applicant is, or will be, providing telecommunications service in Colorado;

723-35-7.1.2 A description of the operating area in metes and bounds;

723-35-7.1.3 A map of the operating area;

723-35-7.1.4 A statement describing the operating authority sought. Such statement shall include:

723-35-7.1.4.1 A form tariff or price list that conforms to the requirements of the Commission's rules governing price regulation or governing relaxed regulatory treatment, as applicable. If the application for operating authority is combined with an application for price regulation or for relaxed regulatory treatment (see Rule 10), the provider may substitute, for a form tariff, a form price list that conforms to the requirements of the Commission's rules governing price regulation or governing relaxed regulatory treatment, as applicable;

723-35-7.1.4.2 A description of the local calling areas to be offered;

723-35-7.1.4.3 A description of the facilities and equipment that will be used to provide services, including whether service will be offered on a facilities-based basis, a resale basis, or otherwise;

723-35-7.1.5 A description of the applicant's existing operations and general service and operating area(s) in Colorado and in any other jurisdiction;

723-35-7.1.6 An affirmative statement that the applicant, pursuant to its tariff or price list, will not